

USSN 09/524,854  
Page 6 of 8

### **REMARKS**

This response is intended as a full and complete response to the non-final Action mailed February 7, 2006. Claims 1-4, 8-13, and 17-20 are currently pending. Claims 7, 15, and 16 are cancelled. Claims 1 and 10 are amended. The subject matter of cancelled claim 7 is incorporated into amended claim 1. The subject matter of cancelled claim 16 is incorporated into amended claim 10. Applicants traverse all of the rejections in the Office Action and respectfully request reconsideration and passage of the claims to allowance for the following reasons.

#### ***Claims Patentable over Ellis/Logston under §103***

The Office Action rejected claims 1-4 and 10-13 under 35 U.S.C. §103(a) as being unpatentable over Ellis U.S. Patent No. 5,986,650 ("Ellis") in view of U.S. Patent No. 5,481,542 to Logston et al. ("Logston")

According to MPEP §2143, to establish a prima facie case of obviousness under §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Clr. 1991).

The combination of Ellis and Logston fails to teach or suggest all the claimed elements. For example, the combination fails to teach or suggest transmitting the specific video sequence by using a narrowcast technique to a group of terminals that includes the specific terminal.

436085-1

USSN 09/524,854  
Page 7 of 8

Claim 1 recites, *inter alia*, "wherein transmitting the specific video sequence is performed using a narrowcast technique to a group of terminals that includes the specific terminal". The combination of Ellis and Logston fails to teach or suggest at least this element. Logston does not teach or suggest a narrowcast technique. The Office admits that Ellis does not teach or suggest this element on page 6, paragraph 4. (Furthermore, the enclosed declaration under 37 C.F.R. 1.132 disqualifies Gordon as a reference under 35 U.S.C. 103(c) via 35 U.S.C. 102(e).)

Therefore, claim 1 is patentable over the combination of Ellis and Logston under §103. Claims 2, 4, 8, and 9 depend, directly or indirectly from claim 1 and, thus, inherit the patentable subject matter of claim 1, while adding or further defining elements. Therefore, claims 2, 4, 8, and 9 are also patentable over the combination of Ellis and Logston under §103.

Claim 10 recites, *inter alia*, "wherein transmitting the specific video sequence to the specific terminal comprises narrowcasting the specific video sequence to a group of terminals that includes the specific terminal". For the same reasons given with respect to claim 1, claim 10 is also patentable over the combination of Ellis and Logston under §103. Claims 11-13 and 17-20 depend, directly or indirectly from claim 10 and, thus, inherit the patentable subject matter of claim 10, while adding or further defining elements. Therefore, claims 11-13 and 17-20 are also patentable over the combination of Ellis and Logston under §103.

***Claims Patentable over Ellis/Logston/Gordon under §103***

Claims 7-9 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis and Logston as cited in claim 1 above and in further view of Gordon et al. US Patent Pub 2003/0052905.

The rejection of cancelled claims 7, 15, and 16 is moot.

USSN 09/524,854

Page 8 of 8

The enclosed declaration under 37 C.F.R. 1.132 disqualifies Gordon as a reference under 35 U.S.C. 103(c) via 35 U.S.C. 102(e).


For the reasons given above with respect to claims 1 and 10, claims 8, 9, and 17-20 are patentable over the combination of Ellis and Logston under §103 and Gordon is disqualified as a reference.

### CONCLUSION

For the foregoing reasons, Applicants respectfully request reconsideration and passage of the claims to allowance. If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Lea A. Nicholson or Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

May 8, 2006

  
\_\_\_\_\_  
Lea A. Nicholson, Attorney  
Reg. No. 48,346  
(732) 530-9404

Patterson & Sheridan, LLP  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702